

Formal Council Meeting Agenda



Tempe City Council Formal Council Meeting Harry E. Mitchell Government Center Tempe City Hall - City Council Chambers 31 East Fifth Street, Tempe, Arizona Thursday, June 16, 2011 7:30 PM

Members of the City Council may attend either in person or by telephone conference call.

1. INVOCATION - Vice Mayor Navarro

2. PLEDGE OF ALLEGIANCE

3. MINUTES - Councilmember Arredondo-Savage

A. Approval of Council Meeting Minutes

1. [Formal Council Meeting - June 2, 2011](#)
2. Executive Session - June 2, 2011
3. [Special Meeting - June 2, 2011](#)
4. [Education Partnerships Council Committee - April 4, 2011 and May 2, 2011](#)
5. [Sports, Tourism, Recreation, Arts & Cultural Development Council Committee - May 4, 2011](#)

B. Acceptance of Committee, Board & Commission Meeting Minutes

1. [Fire Public Safety Personnel Retirement Board - February 10, 2011](#)
2. [Parks, Recreation and Golf Advisory - February 16, 2011](#)
3. [Historical Museum Advisory - April 7, 2011](#)
4. [Municipal Arts Commission - April 13, 2011](#)
5. [Historic Preservation Commission - April 14, 2011](#)
6. [Tempe Streetcar Community Working Group - April 25, 2011](#)
7. [Police Public Safety Personnel Retirement Board - May 5, 2011](#)
8. [Hearing Officer - May 17, 2011](#)
9. [Municipal Arts Commission Advocacy and Communication Sub-Committee - June 1, 2011](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. Board Reappointments

B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

A. Miscellaneous Items

- A1. [Request approval of board and commission reappointments.](#)

COMMENTS	N/A
DOCUMENT NAME	20110616ccb01 0102-01-00 BDS, COMMISSIONS, COMMITTEES ADM

- A2. [Request approval of the May 2011 Report of Claims Paid to be filed for audit](#)

COMMENTS	N/A
DOCUMENT NAME	20110616fsnw01 ACCOUNTS PAYABLE (0208-01)

- A3. [Request approval for an Amended Subdivision Plat for Centerpoint on Mill located at 660 South Mill Avenue.](#)

COMMENTS	Request for CENTERPOINT ON MILL (PL100425) (Centerpoint Holdings LLC, City of Tempe, Hamilton Chase-Tempe LLC, Arizona Board of Regents, property owners; Michael Burke, Centerpoint Holdings, applicant) located at 660 South Mill Avenue in the CC, City Center District with a Planned Area Development Overlay. The request includes the following: SBD10024 – Amended Subdivision Plat consisting of four (4) lots and two (2) tracts.
DOCUMENT NAME	20110616cdri01 PLANNED DEVELOPMENT (0406)

- *A4. [Hold a public hearing to recommend the approval of a Series 10 beer and wine store liquor license for Mafia Mikes, 1125 South Terrace Road.](#)

COMMENTS	Berry Chapman Dunham is the Agent for this application.
DOCUMENT NAME	20110616fsap01 200121– LIQ LIC (0210-02)

- A5. [Request approval of an amendment to the site license agreement C1994-143 between the City and the Kyrene Elementary School District No. 28 for the addition of a corridor to the Waggoner School building on City property at Waggoner Park.](#)

COMMENTS

The Kyrene Elementary School District No. 28 has requested assistance from the City to provide a safe secure environment for the children of Waggoner School while moving between classrooms and other parts of the school. The City has prepared an amendment to the existing site license agreement to allow for the removal of the licensed shade canopy, and the addition of a corridor to the school building partially on City and partially on District property. The cost of the building addition, future maintenance, repair and replacement will be borne by the District. The amendment will extend the term of the license for forty (40) years from the date of execution of the amendment. The amendment to the site license is acceptable to the District.

DOCUMENT NAME 20110616csbp01.doc Miscellaneous Licenses (0210-03)

B. Award of Bids/Contracts

- B1. [Request approval authorizing the Mayor to execute a Wired Telecommunications License and Right-of-Way Use Agreement between McLeodUSA Telecommunications Services, Inc. dba PAETEC Business Services and the City of Tempe.](#)

COMMENTS

McLeodUSA Telecommunications Services Inc. (now doing business as PAETEC Business Services) was granted a five-year license in 2006 for use of the City's rights-of-way to provide intrastate telecommunication services. This license expired on Mar. 2, 2011 and there has been no change in the fiber route. Under Sections 31A-10(a) and 31A-14 of the Tempe City Code, PAETEC needs to have a license and agreement in order to continue providing services and/or do any work in the right-of-way.

DOCUMENT NAME 20110519pwws01 MCLEOD USE TELECOMMUNICATION SERVICES (0802-20)

- B2. [Request approval of the annual excess insurance renewal program for fiscal year 2011/2012 to include excess property, primary and excess liability, crime, excess workers' compensation, and auto physical damage insurance purchased through the City's risk management consultant/broker, Marsh USA, Inc.](#)

COMMENTS

Total 2011/2012 annual premium shall not exceed \$965,659.

DOCUMENT NAME 20110616fst02 PURCHASING (1004-01)

- B3. [Request award of a Phase I engineering services contract with Gannett Fleming, Inc. to identify and validate potential dam and gate alternatives for replacing the Tempe Town Lake downstream rubber dam.](#)

COMMENTS

Total cost for this contract is \$367,970.75.

DOCUMENT NAME 20110616pwwr03 RIO SALADO MASTER PLAN (0112-07-03)
PROJECT NO. 6504221

- B4. [Request approval of an amendment to the Nationwide Retirement Solutions, Inc. and Galloway Asset Management, LLC deferred compensation contract that will allow for a Roth 457\(b\) investment option for eligible City employees and retirees.](#)

COMMENTS City funds will not be used for this contract as all plan expenses are paid by participants through the investments selected.
DOCUMENT NAME 20110616fsmg04 PURCHASES (1004-01)

- B5. [Request approval to increase the contract amount with Trucks West of Phoenix for the purchase of refuse vehicles for use by the Public Works Department.](#)

COMMENTS The additional requested amount will not exceed \$1,100,000 and will increase the contract value from \$1,100,000 to \$2,200,000. The current contract is valid through September 15, 2011.
DOCUMENT NAME 20110616fsta03 PURCHASES (1004-01)

- B6. [Request approval to award one-year contracts with four, one-year renewal options to Scott McAlister \(Division I\), Robert A. Butler \(Division II\) and Patrick G. Gann \(Division III\) to provide public defender representation for indigent defendants whose cases are filed with the Tempe Municipal Court. Additionally, approval is requested to establish one-year contracts with four, one-year renewal options with Chad D. Niven and Julie Ann Mata who will be placed on an availability list to provide additional public defender services if needed.](#)

COMMENTS Total value combined value of these contracts and related indigent representation will not exceed \$225,000 during the initial one-year contract period beginning July 1, 2011.
DOCUMENT NAME 20110616fsta01 PURCHASES (1004-01)

- B7. [Request approval to utilize one-year State of Arizona contracts with Bingham Equipment Company, Golf Ventures West and John Deere Company for the purchase of turf and utility equipment to replace units which are beyond their usable service life for the Public Works Department.](#)

COMMENTS The combined value of these contracts will not exceed \$140,000.
DOCUMENT NAME 20110616fsta06 PURCHASES (1004-01)

- B8. [Request approval of a one-year renewal of a contract with Redflex Traffic Systems, Inc. for the continuation of the City's photo enforcement program.](#)

COMMENTS (T07-045-01) Total cost of this contract shall not exceed \$600,000 during this one-year renewal period. All costs related to this contract are paid from violators' fines.
DOCUMENT NAME 20110616fsmg07 PURCHASES (1004-01)

- B9. [Request approval to award a one-year limited source contract with four, one year renewal options to Gust Rosenfeld for providing bond counsel services to support the City's bond financing program under the direction of the Finance and Technology Department.](#)

COMMENTS Total value of this contract will not exceed \$100,000 during the initial one-year contract period.
DOCUMENT NAME 20110616fsmg08 PURCHASES (1004-01)

- B10. [Request approval to award a contract to Arizona Tactical, Inc. for 300 ballistic helmets with riot face shields for the Police Department.](#)

COMMENTS Total amount not to exceed \$93,452.00 for this one time procurement.
DOCUMENT NAME 20110616fsmg09 PURCHASES (1004-01)

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *C1. [This is the introduction and first public hearing to adopt an ordinance abandoning existing public right-of-way over a portion of the prior Terrace Road alignment, east of Rural Road and south of University Drive. The second public hearing is scheduled for July 7, 2011.](#)

COMMENTS The City reserved roadway and utility easements when it conveyed certain property along Rural and Terrace Roads to ASU pursuant to an Intergovernmental Agreement dated September 16, 2004 (C2004-188). The original conveyance facilitated construction of the light rail project, and was part of an exchange of property by the City and ASU. The property has been re-platted and ASU has asked the City to abandon the public right-of-way. The utility easements within the prior roadway alignment will remain in place per the recorded Quit Claim Deed.
DOCUMENT NAME 20110616pwko02 ABANDONMENT (0901) ORDINANCE NO. 2011.22

- *C2. [Introduction and first public hearing to adopt an ordinance authorizing the granting of a telecommunication easement \("Easement Agreement"\) to Qwest Communications by the City of Tempe for communications equipment at 1110 W First St. The second public hearing is set for July 7, 2011.](#)

COMMENTS Qwest Communications has requested an easement for access to existing telecommunication equipment installed on City property. Facilities were located in an existing PUE at date of installation. The original PUE has been abandoned.
DOCUMENT NAME 20110616 pwko06 QWEST CORPORATION - EASEMENT (0904-02) Ordinance No. 2011.09

- *C3. [Introduction and first public hearing to adopt an ordinance for a Code Text Amendment for the Temporary Sign Program. The second public hearing is scheduled for July 7, 2011.](#)

COMMENTS Request for TEMPORARY SIGN PROGRAM (PL100056) (Community Development Dept., applicant) consisting of Zoning and Development Code amendments for an extension of temporary sign allowances and temporary banners to advertise vacant commercial space. The request includes the following: ZOA11002 (ORDINANCE

NO. 2011.21) – Code Text Amendment for Sections 4-903(M), Lead-In Sign; 4-903(P), For Sale, Lease or Rent Sign; 4-903(R), Special Event Sign; and Section 4-906, Leasing Banner Sign.

DOCUMENT NAME 20110616cdrl02 ZONING & DEVELOPMENT CODE (0414)
ORDINANCE NO. 2011.21

- *C4. [Introduction and first public hearing to adopt an ordinance for a Zoning Map Amendment and Planned Area Development Overlay and to adopt a resolution for a General Plan Amendment for Hampton Inn & Suites located at 1429 North Scottsdale Road. The second public hearing is scheduled for July 7, 2011.](#)

COMMENTS Request for HAMPTON INN & SUITES (PL100400) (William Spresser, VRE Holding II LLC and VRE Holding III LLC, property owner; Darin A. Sender, Sender Associates, Chtd., applicant) consisting of a four story 117 guest room hotel of +/-75,960 sf. area on +/-2.25 acres to the south of an existing two story 116 guest room and two work-force housing unit hotel of +/-63,262 sf. on +/-2.76 acres. The entire site of +/-5.01 acres is located at 1429 North Scottsdale Road in the R-4, Multi-Family Residential General and CSS, Commercial Shopping and Service Districts. The request includes the following: GEP11001 – (Resolution No. 2011.25) General Plan Land Use Map Amendment from Residential to Mixed-Use. ZON11002 – (Ordinance No. 2011.17) Zoning Map Amendment from CSS, Commercial Shopping and Service District and R-4, Multi-Family Residential General District to MU-3, Mixed-Use, Medium-High Density District.
PAD11002 – (Ordinance No. 2011.17) Planned Area Development Overlay to modify development standard for building height from 50 feet to 55 feet and establish development standards for building lot coverage, minimum landscape area and front, side and rear yard building setbacks.

DOCUMENT NAME 20110616cdkko01 PLANNED DEVELOPMENT (0406) Ordinance
No. 2011.17 Resolution No. 2011.25

- *C5. [Introduction and first public hearing to adopt an ordinance authorizing the granting of a utility easement \("Easement Agreement"\) to Arizona Public Service Company by the City of Tempe for electrical lines and appurtenances at 601 S. Farmer Ave. The second public hearing is scheduled for July 7, 2011.](#)

COMMENTS Arizona Public Service Company has requested an easement for installation of electrical lines and equipment necessary to provide service to Phase 1 of the Farmer Arts development.

DOCUMENT NAME 20110616 pwko07 APS UTILITY EASEMENT - EASEMENT (0904-02). Ordinance No. 2011.24.

D. Ordinances and Items for Second Hearing/Final Adoption - None

E. Resolutions

- E1. [Request adoption of a resolution amending City Code Appendix A – Fee Schedule, Chapter 29, Streets and Sidewalks, relating to horizontal directional drilling methods for the installation of public utilities.](#)

COMMENTS This resolution establishes a separate horizontal directional drilling fee and bases the fee on lineal feet and the type of method utilized. In addition, this resolution will perform an administrative clean-up of a few fees to more clearly define what they represent.

DOCUMENT NAME 20110616pwws05 MISCELLANEOUS FEES (0210-05) Resolution No. 2011.51

- E2. [Request approval of a resolution to accept grant funding from the State of Arizona - Department of Homeland Security under the State Homeland Security Grant Program to fund enhancements to the bomb squad robot.](#)

COMMENTS The grant award totals \$112,010.

DOCUMENT NAME 20110616pdmk01 POLICE DEPARTMENT ADMIN (0606-02) Resolution No. 2011.46

- E3. [Request approval of a Resolution amending City Code Appendix A—Fee Schedule, Chapter 2, Administration, relating to Prosecution Assessment. This fee increase shall be effective August 1, 2011.](#)

COMMENTS This resolution increases the Prosecution Assessment fee from \$100.00 to \$125.00.

DOCUMENT NAME 20110616caef01 MISCELLANEOUS FEES (0210-05) Resolution No. 2011.28.

- E4. [Request approval of a resolution approving a Memorandum of Understanding between the Service Employees International Union \(SEIU\) and the City of Tempe July 1, 2011 - June 30, 2013 and authorizing its execution.](#)

COMMENTS N/A

DOCUMENT NAME 20110616hrrb01 PUBLIC WORKS AND NON-SUPERVISORY UNION- MEET & CONFER (3030803 AND 3030804) Resolution No. 2011.52

- E5. [Request approval of a resolution authorizing the Mayor to sign the sixth amendment to the intergovernmental agreement with the Regional Public Transportation Authority \(RPTA\) for purchase of paratransit services in Tempe during fiscal year 2010-11.](#)

COMMENTS (Contract C2004-241F) Cost to Tempe is estimated to be \$396,165.

DOCUMENT NAME 20110616pwgj01 DIAL-A-RIDE (1106-05) Resolution No. 2011.53

- E6. [Request approval of a resolution authorizing the Mayor to sign amendment two to the intergovernmental agreement with the Regional Public Transportation Authority \(RPTA\) for the purchase and supply of transit services.](#)

COMMENTS (Contract C2009-87b) Revenue to Tempe is estimated to be \$10,702,889. Cost to Tempe is estimated to be \$1,841,291.
DOCUMENT NAME 20110616pwgj02 TRANSPORTATION PLANNING (1101-01)
Resolution No. 2011.54

- E7. [Request approval of a resolution authorizing the Mayor to sign a funding agreement between the City and the Tempe Community Council regarding a grant to The Centers for Habilitation for transportation services for elderly and disabled residents.](#)

COMMENTS Grant award is \$50,000.
DOCUMENT NAME 20110616PWgj03 TRANSPORTATION PLANNING (1101-01)
Resolution 2011.55

- E8. [Request approval of a resolution establishing City accounting policies related to the reporting of fund balances, as required by the Governmental Accounting Standards Board \(GASB\)](#)

COMMENTS Resolution 2011.56 establishes accounting policies for reporting fund balances in the city's year-end financial reports, as required by GASB
DOCUMENT NAME 20110616fskj01 FINANCIAL MANAGEMENT (0208)

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

7. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

A. Scheduled

1. Citizens concerns regarding policing
2. Eleanor Holguin - Police Department issues

B. Unscheduled

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

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